[25th March 1929

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Not likely, Sir, because yesterday and day before yesterday were holidays and the Crown Prosecutor requires some time to get certified copies from the Court."

Mr. G. HARISARVOTTAMA RAO :—" May I know whether he cannot get the judgment before to-morrow ? "

The hon. the PRESIDENT :—" That is asking for an opinion."

UNSTARRED QUESTIONS

Religious and Charitable Endowments

Elections to the Temple Committee, North Arcot district.

1868 *Q.*—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(*a*) whether it is a fact that the voters' list has not yet been prepared by the Temple Committee, North Arcot district;

(*b*) whether the elections to the temple committee are to be held shortly ; and

(*c*) what steps Government propose to take to see that members do not get in through nomination this year also ?

A.—The Government have no information.

Forests

Grazing facilities in the Senankuppam Setti Kinar Reserve Forest.

1869 *Q.*—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Law Member be pleased to state—

(*a*) whether the ryots of Palur, Rasapoliyam, Pudur, Rangapuram and other villages in Vellore taluk, North Arcot district, petitioned, on 7th August 1928, the authorities for permission to graze their cattle in the Senankuppam Setti Kinar Reserve Forest and also to erect a 'patti' to pen their cattle during nights ;

(*b*) whether permission was accorded by the Forest Ranger of Odugathur, on 11th February 1929 ;

(*c*) whether the above ranger on 12th February 1929 asked the village munsif to have it tom-tomed in the village that the ryots should not take their cattle to the reserve in *mamul* way, crossing Fallor Ammata Kuttai Sarhath ;

(*d*) whether it is a fact that the ryots were, on a previous occasion, in 1928, asked to put up a fence on both sides of the *mamul* path and whether the ryots could not do so ;

(*e*) whether on one occasion the forest guard beat the ryots and closed the path to the reserve forest;

(*f*) whether the Government are aware that the ryots suffer much for want of grazing facilities for their cattle in this hot weather ; and

(*g*) whether Government will be pleased to consider the advisability of passing early orders allowing the ryots to take their cattle to the reserve forest by the *mamul* way ?

A.—(*a*) *to* (*c*), (*e*) & (*f*) The Government have no information but have called for a report.

(*d*) Yes. The path is not an admitted right of way and the particular coupe is closed to grazing. The ryots failed to take advantage of the concession offered.

(*g*) No. The Government have already indicated the lines on which the path can be thrown open. An extract of the Government Order [a] is appended.

II

ADJOURNMENT MOTION REGARDING THE AUTHORIZATION OF EXPENDITURE UNDER PROVISO (*b*) TO SECTION 72-D (2) OF THE GOVERNMENT OF INDIA ACT.

Mr. P. C. VENKATAPATHI RAJU :—" Mr. President, Sir, under Standing Order 20, I request leave to make a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, namely, the action of the Government in submitting their proposal for expenditure of Rs. 51,620 for Police arrangements at the time of the visit of the Indian Statutory Commission (referred to in G.O. No. 100, Judicial, dated 23rd February 1929), to His Excellency the Governor for authorization under proviso (*b*) to section 72-D (2) of the Government of India Act, instead of to the vote of the Council."

* The hon. the PRESIDENT :—" Has the Advocate-General got anything to say on this question of order ? "

* Mr. ALLADI KRISHNASWAMI AYYAR :—" I submit, Mr. President, that this motion is not in order for the following reasons : It cannot be stated to be a matter of urgent public importance. If the object of the motion is to criticise the action of the Government in availing themselves of the procedure as to obtaining the consent of the Governor instead of obtaining the consent of the Council, it can be done by the ordinary procedure available to any Member of this House. If the Members want to repeal that particular provision, that cannot be achieved by them by ventilation of their views just at the present moment. It may be right or it may be wrong, from the constitutional point of view, to have a provision like section 72-D, but there it is. To the extent to which the statutory power is vested in the Governor, he stands in the same position as the Council. (Dr. B. S. Mallayya : More than the Council.) Besides, it is not likely that this emergency will occur again in the near future. The Simon Commission has come and gone and the expenditure has been incurred ; and the particular procedure has been availed of by the Government and in the near future there is no chance of this procedure recurring. (Mr. K. R. Karant : Why not ?)

" The second point is, if, for example, for the first time in the history of the Government of India Act, the machinery of this proviso has been availed of and a Member apprehends that there is likely to be a repetition of this act, there may be some force in the motion. As a matter of fact, this is not the first instance when this statutory power has been availed of by the Government and when the Local Government submitted their proposal to the Governor for his assent under the proviso. Therefore, whether we look at it

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[a] Printed as Appendix X on page 824 infra.